

105TH CONGRESS
2D SESSION

H. R. 4136

To establish provisions regarding a proposed rulemaking under the Clean Air Act with respect to the transport, in the eastern portion of the United States, of ozone pollution and oxides of nitrogen and to amend the Clean Air Act to provide a 2-year period prior to the statutory reclassification of areas that fail to attain the national ambient air quality standard for ozone.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1998

Mr. WISE (for himself, Mr. NEY, Mr. OXLEY, Mr. RAHALL, Mr. MOLLOHAN, Mr. GOODE, Mr. BOUCHER, Mr. BAESLER, Mr. SPRATT, Mr. PICKETT, Mr. BOEHNER, Mr. BACHUS, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To establish provisions regarding a proposed rulemaking under the Clean Air Act with respect to the transport, in the eastern portion of the United States, of ozone pollution and oxides of nitrogen and to amend the Clean Air Act to provide a 2-year period prior to the statutory reclassification of areas that fail to attain the national ambient air quality standard for ozone.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Air Common
3 Sense Act”.

4 **SEC. 2. PROVISIONS REGARDING PROPOSED RULE UNDER**
5 **CLEAR AIR ACT WITH RESPECT TO TRANS-**
6 **PORT OF OZONE POLLUTION AND OXIDES OF**
7 **NITROGEN.**

8 (a) DELAY IN PROMULGATION OF FINAL RULE; EF-
9 FECTIVE DATE OF FINAL RULE.—With respect to au-
10 thorities of the Administrator of the Environmental Pro-
11 tection Agency to establish a requirement that States sub-
12 mit measures in State implementation plans under the
13 Clean Air Act to ensure that emission reductions are
14 achieved as needed to mitigate transport of ozone pollu-
15 tion, and emissions of oxides of nitrogen, across the
16 boundaries of States included in the Ozone Transport As-
17 sessment Group Region (relating to the eastern portion
18 of the United States), the following applies notwithstand-
19 ing any other provision of law:

20 (1) The Administrator may not promulgate a
21 final rule to establish such a requirement before the
22 date specified in paragraph (4), and any such final
23 rule may not become effective before the date speci-
24 fied in paragraph (5).

25 (2) During the one-year period beginning on
26 the date of the enactment of this Act, the Adminis-

1 trator shall collect any data that in such period the
2 States in such region develop through air quality
3 monitoring and modeling conducted with respect to
4 oxides of nitrogen and any other pollutant to be reg-
5 ulated for purposes of the rulemaking proposed on
6 November 7, 1997, regarding such a requirement
7 (62 FR 60318).

8 (3) After the expiration of such period, the Ad-
9 ministrator shall make the data collected under
10 paragraph (2) available to the public and shall pub-
11 lish in the Federal Register a notice that the data
12 are available, or as applicable, shall so publish a no-
13 tice that none of the States developed such data.

14 (4) The date described in this paragraph re-
15 garding the promulgation of the final rule referred
16 to in paragraph (1) is the expiration of the one-year
17 period beginning on the date on which the Adminis-
18 trator publishes the notice under paragraph (3).

19 (5) The date described in this paragraph re-
20 garding the effective date of such final rule is the
21 later of May 1, 2005, or the expiration of the five-
22 year period beginning on the date on which such
23 final rule is promulgated.

24 (b) PETITIONS REGARDING INTERSTATE POLLUTION

25 ABATEMENT.—

1 (1) IN GENERAL.—With respect to petitions
2 submitted to the Administrator of the Environ-
3 mental Protection Agency under section 126(b) of
4 the Clean Air Act, the Administrator may not make
5 any finding pursuant to a petition described in para-
6 graph (2), or deny any such petition, before the ex-
7 piration of the 180-day period beginning on the date
8 of the promulgation of the final rule referred to in
9 subsection (a)(1).

10 (2) RELEVANT PETITIONS.—For purposes of
11 paragraph (1), a petition described in this paragraph
12 is any petition under section 126(b) of the Clean Air
13 Act that—

14 (A) is submitted with respect to a State in-
15 cluded in the region specified in subsection (a);

16 (B) is submitted with respect to oxides of
17 nitrogen or any other pollutant to be regulated
18 for purposes of the proposed rulemaking speci-
19 fied in such subsection; and

20 (C) is pending as of the date of the enact-
21 ment of this Act or is submitted after such
22 date.

1 **SEC. 2. RECLASSIFICATION UPON FAILURE TO ATTAIN**
2 **OZONE STANDARD.**

3 Section 181(b)(2) of the Clean Air Act (42 U.S.C.
4 7511(a)(2)) is amended by striking “6 months” and in-
5 serting “2 years”.

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